



Appeal Decision

Site visit made on 31 May 2022 by Darren Ellis MPlan

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2022

Appeal Ref: APP/R3705/D/21/3289880

Rosne, Sandy Lane, Fillongley CV7 8DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Todd against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2021/0412, dated 6 July 2021, was refused by notice dated 5 October 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The appeal relates to a rear extension comprising a 'sun room' and a covered link. It has been constructed and appeared to accord with the plans before me. I have therefore dealt with the appeal on the basis that the development has already taken place.

Main Issues

4. The appeal site is within the Green Belt and so the main issues are:
 - whether the extension is inappropriate development for the purposes of development plan policy and the National Planning Policy Framework (Framework);
 - the effect of the extension on the openness of the Green Belt; and
 - if the extension is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.
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Reasons for the Recommendation

Whether inappropriate development

5. The Framework establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building. This is provided that the extension does not result in a disproportionate addition over and above the size of the original building. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.'
6. Policy LP3 of the North Warwickshire Local Plan (September 2021) (LP) is consistent with the Framework in that it seeks to protect the Green Belt and that inappropriate development should only be approved in very special circumstances. Neither the LP nor the Framework define 'disproportionate', however paragraph (b) of policy LP3 states that the merits of each individual case will be used to determine if an extension is disproportionate and that both quantitative and qualitative criteria will be used in an assessment.
7. The appeal property is a detached bungalow set in a generous plot. The Council has provided drawings of the dwelling as it was in 1999. Since then, the property appears to have been extended to the front, side and rear and there have also been alterations to the roof including the addition of dormer windows. Although based on approximated figures, the Council asserts that the previous extensions together with this extension have increased the volume of the original property by 123%. The appellant has not challenged this figure and accepts that the extensions have led to a large increase in the footprint of the building.
8. Size can be more than a function of volume and footprint and can include bulk, mass, and height. In this case, the scale and mass of the building had already been considerably increased through the previous additions. Although modest in itself, the appeal extension has further increased the massing of the dwelling and has added to the visual bulk of the dwelling as well as the volumetric impact of previous extensions. Compared to the property as it was in 1999, when it had already been extended, the dwelling now is considerably larger in bulk, massing and overall visual impact.
9. Consequently, the appeal extension, together with the previous extensions, cumulatively amounts to a disproportionate addition over and above the size of the original building. It is therefore inappropriate development which is, by definition, harmful to the Green Belt.

Openness

10. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its volume may be relevant.¹
11. The extension, which also joins the dwelling to an outbuilding, has increased the visual and spatial bulk and massing of the dwelling and therefore has resulted in a reduction in the openness of the Green Belt both visually and spatially. However, given the modest size of the extension and its siting, the

¹ Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

backdrop of the existing dwelling and presence of sizeable outbuildings, that harm is limited. Nonetheless, one of the fundamental aims of Green Belt policy is to keep land permanently open and, having regard to the Framework, I afford this harm substantial weight.

Other Considerations

12. I understand the appellants' desire to provide additional habitable space for grandchildren now residing at the property. However, I have no details of how many are now living there, their ages or any specific requirements they may have. Personal circumstances will seldom outweigh more general planning considerations and I therefore attach moderate weight to this matter.
13. The appellants state that a larger rear extension than those already existing could be constructed under the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), subject to the completion of the prior approval process. A plan outlining the footprint of such an extension has been provided. However, they acknowledge that such an application cannot be made retrospectively and that the existing rear extensions would need to be taken down before a prior approval application could be made, which would not be practical or viable. For these reasons I consider there to be little or no likelihood of such an approach being followed, and therefore this potential fallback position carries negligible weight.

Whether very special circumstances exist

14. The rear extension causes harm to the Green Belt by way of inappropriateness and reduction in openness, to which I afford substantial weight. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations identified above do not clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the front extension do not exist.

Conclusion and Recommendation

15. Accordingly, the extension conflicts with LP policy LP3 and with the Framework. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal be dismissed

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and I agree with the recommendation that the appeal should be dismissed.

L McKay

INSPECTOR